

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Allanna Warren,

Plaintiff,

v.

Hilton Grand Vacations

Defendant.

Case No. 2:23-cv-00988-APG-DJA

Order

Before the Court are Plaintiff's second motion to set an early neutral evaluation (ECF No. 65), "petition for order to enforce subpoena to produce documents, information, or objects or to permit inspection of premises in a civil action" (ECF No. 75), and Defendant's motion to quash (ECF No. 83). Plaintiff moves the Court to set an early neutral evaluation ("ENE") under Local Rule 16-6. (ECF No. 65). However, Plaintiff has not alleged any claims that would qualify the action for an ENE in her amended complaint. (ECF No. 61) (bringing four claims for violations of NRS 41.1395, negligence and gross negligence, intentional infliction of emotional distress, and civil conspiracy). The Court thus denies Plaintiff's motion.

Plaintiff's subpoena petition is a subpoena she has filed on the docket directed to Defendant Hilton Grand Vacations. (ECF No. 75). Defendant moved to quash that subpoena in response, arguing in part that because it is a party to the action, a subpoena is improper. (ECF No. 83). A Rule 45 subpoena "cannot be used to circumvent Rule 34 or the other discovery rules." *McCall v. State Farm Mut. Auto. Ins. Co.*, 2:16-cv-01058-JAD-GWF, 2017 WL 3174914, at *6 (D. Nev. July 26, 2017). Rule 34 of the Federal Rules of Civil Procedure allows for one party to request documents from another party. A request for production of documents is the proper and the primary way to obtain documents from an opposing party. *See Casun Invest, A.G. v. Ponder*, No. 2:16-cv-02925-JCM-GWF, 2019 WL 2358390, at *4 (D. Nev. June 4, 2019) (citing 8A Charles Alan Wright et al., *Federal Practice and Procedure* § 2204 at 365 (2nd ed.

1 1994) for the proposition that Rule 45 should not be allowed when it circumvents the
2 requirements and protections of Rule 34). The Court thus denies Plaintiff's subpoena petition and
3 grants Defendant's motion to quash.

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5 **IT IS THEREFORE ORDERED** that Plaintiff's second motion to set an early neutral
6 evaluation (ECF No. 65) is **denied**.

7 **IT IS FURTHER ORDERED** that Plaintiff's petition for a subpoena (ECF No. 75) is
8 **denied**.

9 **IT IS FURTHER ORDERED** that Defendant's motion to quash (ECF No. 83) is
10 **granted**.

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12 DATED: February 26, 2024

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE